

ENROLLED ORDINANCE 158-40

AMEND THE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE AND THE WAUKESHA COUNTY ZONING CODE, FOR THE TOWN OF GENESEE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SE ¼ OF SECTION 23 AND THE N ½ OF SECTION 26, T6N, R18E, TOWN OF GENESEE, FROM THE B-1 RESTRICTED BUSINESS DISTRICT WITH AGRICULTURAL OVERLAY AND C-1 CONSERVANCY DISTRICT TO THE B-1 RESTRICTED BUSINESS AND M-1 LIMITED INDUSTRIAL DISTRICTS (SCZ-1450)

WHEREAS the subject matter of this Ordinance having been duly referred to and considered by the Waukesha County Park and Planning Commission, after Public Hearing, and the giving of requisite notice of said hearing, and a recommendation for approval thereon reported to the Land Use, Parks and Environmental Committee, and the Waukesha County Board of Supervisors, Waukesha County, Wisconsin, as required by Section 59.69 and 59.692 of the Wisconsin State Statutes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the District Zoning Maps of the Waukesha County Shoreland and Floodland Protection Ordinance adopted on June 23, 1970, and the Waukesha County Zoning Code adopted on February 26, 1959, for the Town of Genesee, Waukesha County, Wisconsin, are hereby amended to conditionally rezone certain lands located in part of the SE ¼ of Section 23 and the N ½ of Section 26, T6N, R18E, Town of Genesee, from the B-1 Restricted Business District with Agricultural Overlay and the C-1 Conservancy District to the B-1 Restricted Business and M-1 Limited Industrial Districts, and more specifically described in the "Staff Report and Recommendation" and map on file in the office of the Waukesha County Department of Parks and Land Use, and made a part of this Ordinance by reference (SCZ-1450), subject to the following conditions:

1. Prior to the rezoning becoming effective, the petitioner must present documentation to the Town Planner and the Waukesha County Department of Parks and Land Use, Planning and Zoning Division Staff that all necessary permits have been obtained from the Wisconsin Department of Natural Resources.
2. Subject to all lands on the subject property that are designated as wetlands or within the 100-Year Floodplain shall be rezoned to the C-1 Conservancy District.
3. Subject to the zoning district classifications being amended or modified so that the zoning district designation shall be as shown on the attached map (Exhibit "B") that is incorporated herein by reference.
4. Subject to the petitioner submitting and receiving approval from the Town of Genesee Plan Commission and the Waukesha County Department of Parks and Land Use a detailed Site Plan/Plan of Operation. The Site Plan/Plan of Operation shall include but not be limited to a Grading Plan, Landscaping Plan, Parking Plan, Lighting Plan, Signage and Waste Disposal Plan, and such plans as the Town of Genesee and the Waukesha County Departments of Parks and Land Use may require.

5. Subject to the property, and all structures on the property, being in compliance with all Federal, State, County and local laws, Ordinances, Codes, rules and regulations.
6. Subject to the petitioner submitting to and receiving approval from the Waukesha County Department of Parks and Land Use, Land Resources Division, a permit for Erosion Control Stormwater Management Plan prior to the zoning amendment taking affect.
7. Subject to the petitioner submitting to and receiving approval from the Town Attorney and the Waukesha County Department of Parks and Land Use, Planning and Zoning Division Staff, a Deed Restriction imposing a 75 ft. undisturbed buffer between the wetlands and floodplain and any structure and/or storage area on the subject property. The Deed Restriction shall indicate that there shall be no storage or maneuvering of equipment in said buffer area, including but not limited to the storage of mulch and/or bark and/or topsoil. The Deed Restriction shall authorize the Town of Genesee or the Waukesha County Department of Parks and Land Use, Planning and Zoning Division Staff, to inspect the property to ensure compliance with this restriction and authorize the Town and/or County to enforce the restriction. The approved form of the Deed Restriction shall be recorded against the subject property prior to the zoning amendment taking affect.
8. Subject to the wetlands previously identified by Alice Thompson being marked with a semi-permanent visible marking every 50 ft. to ensure that no encroachments or maintenance of trucks or equipment and/or materials does not occur within 75 ft. of said wetland.
9. Subject to the petitioner submitting to the Town of Genesee Planner and the Waukesha County Department of Parks and Land Use, Planning and Zoning Division Staff, written approval from the Wisconsin Department of Transportation that all access points for ingress and egress from the subject property onto S.T.H. 59 have been approved, and all conditions of said approval are complied with. Such approval and satisfaction of any and all conditions of approval imposed by the Wisconsin Department of Transportation shall be complied with prior to the rezoning taking effect.
10. Subject to all signs on the subject property being in compliance with the Waukesha County Zoning Code and also in compliance with the Waukesha County Shoreland and Floodland Protection Ordinance where applicable.
11. As a condition precedent to the conditional rezoning taking effect, the property owner shall accept all of the foregoing conditions of approval in writing.
12. Subject to all conditions of the rezoning being complied with no later than December 1, 2003, unless extended by the Town of Genesee Plan Commission and the Waukesha County Park and Plan Commission upon showing of cause.
13. In the case of any questions as to whether the conditions of this Ordinance have been met, the Town and County shall hold a public hearing to make a finding to determine compliance with the terms of this Ordinance and the need for any

enforcement action.

BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Genesee.

BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.